# UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Technology Center 2100

## BEFORE THE BOARD OF PATENT APPEALS
## AND INTERFERENCES

Application Number: 10/042,030
Filing Date: January 08, 2002
Appellant(s): BROWN ET AL.

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For Appellant

## EXAMINER'S ANSWER

This is in response to the appeal brief filed 05/03/2005.

### (1)    Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

### (2)    Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

### (3)    Status of Claims

The statement of the status of the claims contained in the brief is correct.

### (4)    Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

### (5)    Summary of Invention

The summary of invention contained in the brief is correct.

### (6)    Issues

The appellant's statement of the issues in the brief is correct.

## (7)    Grouping of Claims

The rejection of claims 1-5, 11-17 and 22-25 stand or fall together because

appellant's brief does not include a statement that this grouping of claims does not

stand or fall together and reasons in support thereof.  See 37 CFR 1.192(c)(7).

## (8)    Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

## (9)    Prior Art of Record

The Admission (Description of Related Art, pages 1 and 2).

Internet Explorer 5 released 1998.

## (10)   Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

**Claims 1-5, 11-17, 22, 23 and 25 are rejected under 35 U.S.C. 103(a) as being**

**unpatentable over the Admission [Description of Related Art, pages 1-2] in view**

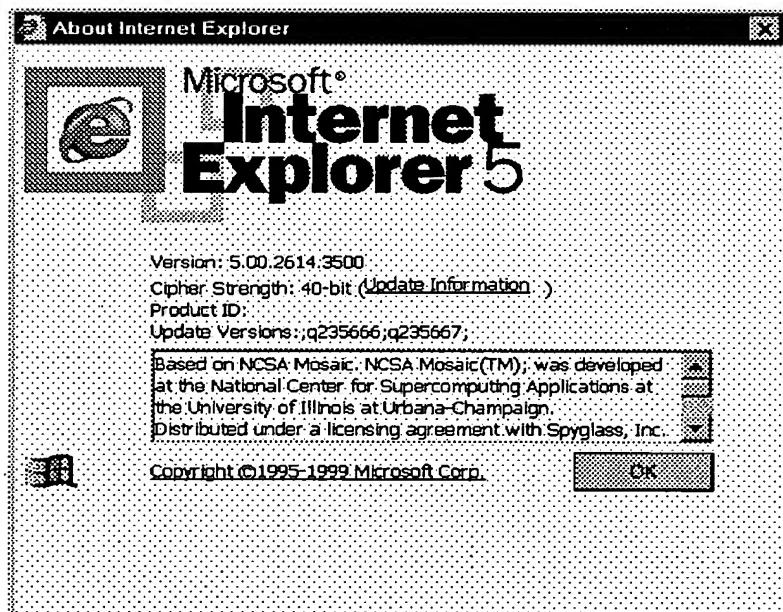**of Internet Explorer (a public use browser released 1998) version 5.**

Regarding claims 1, 14 and 25, as in the background, a conventional method,

apparatus and computer program product for *clarifying a document* in the Internet was

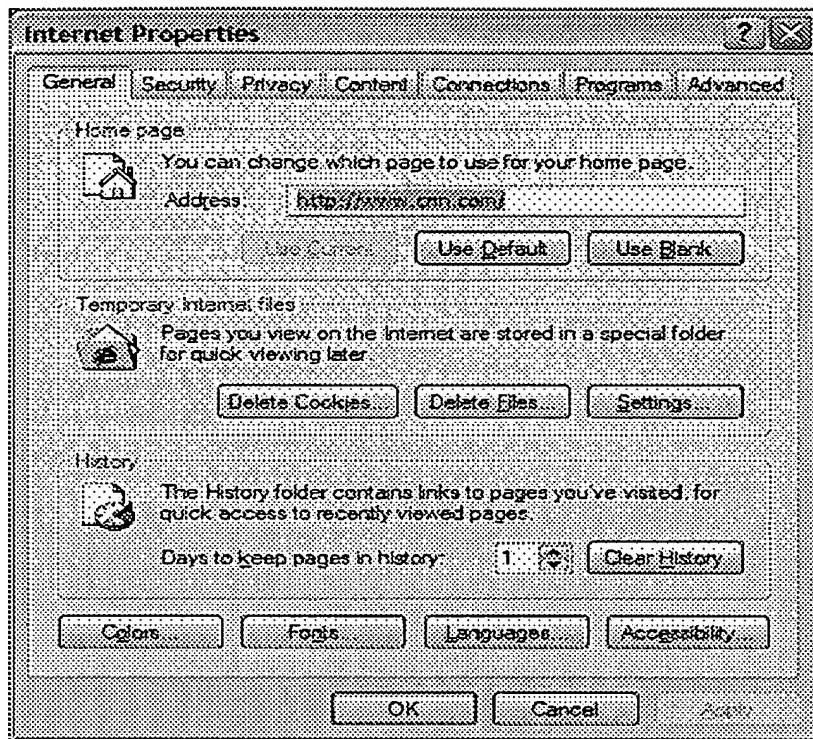admitted (Description of Related Art, page 2, Lines 13-17) comprising:

*retrieving a document* (Description of Related Art, page 2, Lines 22-25, a document

is retrieved by a browser) *including a document component having an attribute* (Description of

Related Art, page 1, Lines 17-21, and page 2, Lines 6-12, text or background color of a

web page as *a document component* having *attributes*, e.g., font color, font size, color of

background), *wherein the attribute is explicitly specified in the document* (Description of Related

Art, page 1, Line 25- page 2, Line 1, document attributes, e.g., font size, font color, color

of background, are specified by predefined tag), and *displaying the document* (Description
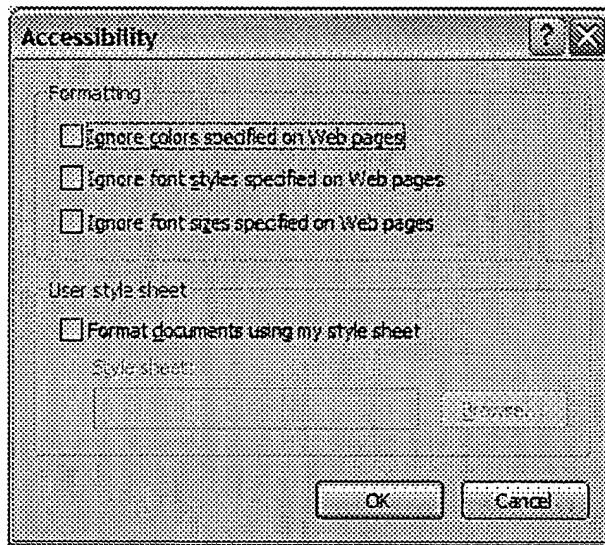
of Related Art, page 1, Lines 22-25).

The admission does not have the step of *loading a set of user preferences*; and *in*

*response to activation of a clarification control, modifying the attribute to clarify display of the*

*document based on the set of user preferences to form a clarified document.*

However, in order to customize a view of a document in the Internet, Internet

Explorer 5 allows a user to define user preferences for attributes of a document by

selecting Tools → Internet Options, and select Accessibility, Colors and Fonts as
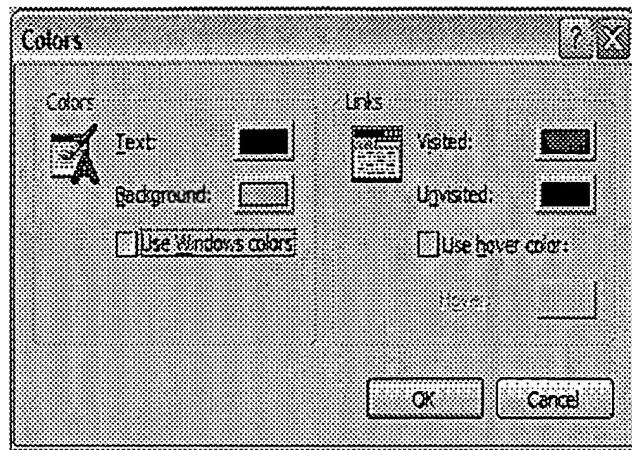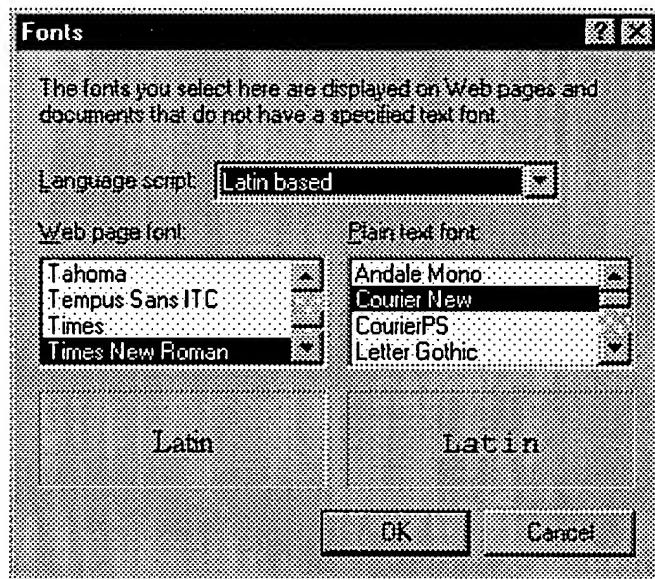
indicated below:

**Internet Properties**

General | Security | Privacy | Content | Connections | Programs | Advanced

Home page
You can change which page to use for your home page.
Address: http://www.cnn.com/

[ Use Default ] [ Use Blank ]

Temporary Internet files
Pages you view on the Internet are stored in a special folder for quick viewing later.

[ Delete Cookies ] [ Delete Files ] [ Settings ]

History
The History folder contains links to pages you've visited, for quick access to recently viewed pages.

Days to keep pages in history: 1

[ Clear History ]

[ Colors... ] [ Fonts... ] [ Languages... ] [ Accessibility... ]

[ OK ] [ Cancel ]

**Screen shot I**

**Accessibility**

Formatting
☐ Ignore colors specified on Web pages
☐ Ignore font styles specified on Web pages
☐ Ignore font sizes specified on Web pages

User style sheet
☐ Format documents using my style sheet

[ OK ] [ Cancel ]

**Screen shot II**

**Screen shot III**



**Screen shot IV**

*a set of user preferences* is *loaded* by selecting three boxes in Accessibility to ignore

the explicitly specified background color, font style, font size of the retrieved web page,

then specifying user preference of background color, font style, font size;

*in response to activation of a clarification control* (after specifying user preference, "OK"

box as *clarification control* is selected), *modifying the attribute to clarify display of the document*

*based on the set of user preferences to form a clarified document* (after selecting "OK" box, the

attributes of document is modified to clarify the display according to the user preference

attribute and form a clarified document, e.g., a background and text color that make the

text blend into the background will be modified to clarify the display by specifying a

particular background and text color to form a clarified document).

Therefore, it would have been obvious for one of ordinary skill in the art at the

time the invention was made to use the properties of Internet Explorer to modify the

color of text and background in order to improve the view of a document in the Internet.

Regarding claim 2, the Admission and Internet Explorer, in combination, teach all

of the claimed subject matter as discussed above with respect to claim 1, and by using

Internet Explorer, *the clarified document is displayed* according to the specified attributes.
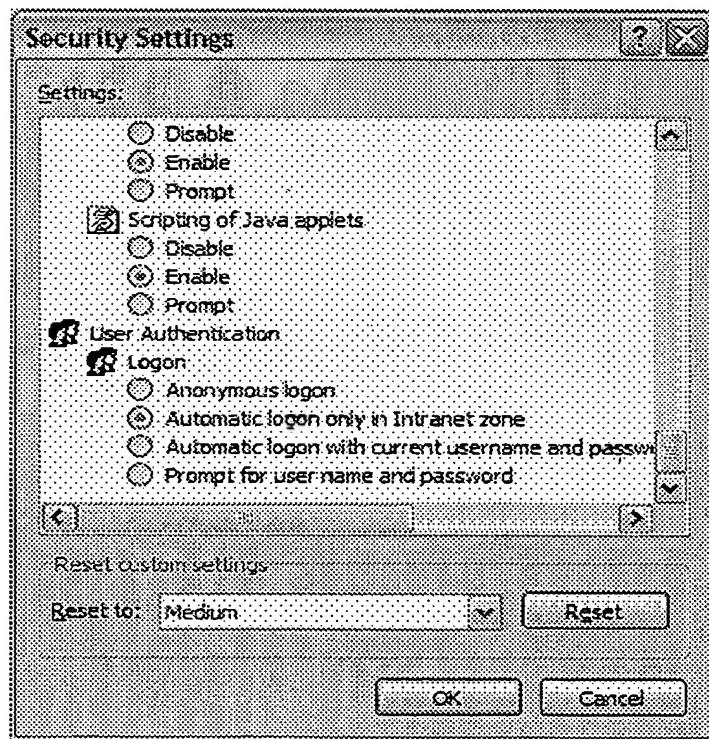
Regarding claims 3 and 15, the Admission and Internet Explorer, in combination,

teach all of the claimed subject matter as discussed above with respect to claims 1 and

14, in the Description of Related Art, page 2, Lines 6-9 is the claimed *the document*

*component comprises a background image* (Description of Related Art, page 2, Lines 6-9), and

Internet Explorer, screen shot II, by selecting box ignore color specified on Web pages

*the background image from the document* is *removed*.

Regarding claims 4 and 16, the Admission and Internet Explorer, in combination,

teach all of the claimed subject matter as discussed above with respect to claims 1 and

14, in the Description of Related Art, page 2, Lines 6-9 is the claimed *the document component comprises a background color*, and Internet Explorer, screen shot III, *the background color* is *changed* to a color specified by a user.

Regarding claims 5 and 17, the Admission and Internet Explorer, in combination, teach all of the claimed subject matter as discussed above with respect to claims 1 and 14, in the Description of Related Art, page 1, Lines 19-21 is the claimed *the document component comprises text*, and Internet Explorer, screen shot III, *a color of the text in the document* is *changed* to a color specified by a user.

Regarding claims 11 and 22, the Admission and Internet Explorer further discloses the step of *authenticating a user*

and after the process of validating a user as *in response to the user being authenticated, the attribute is modified* by the authenticated user as discussed in claims 1 and 14.
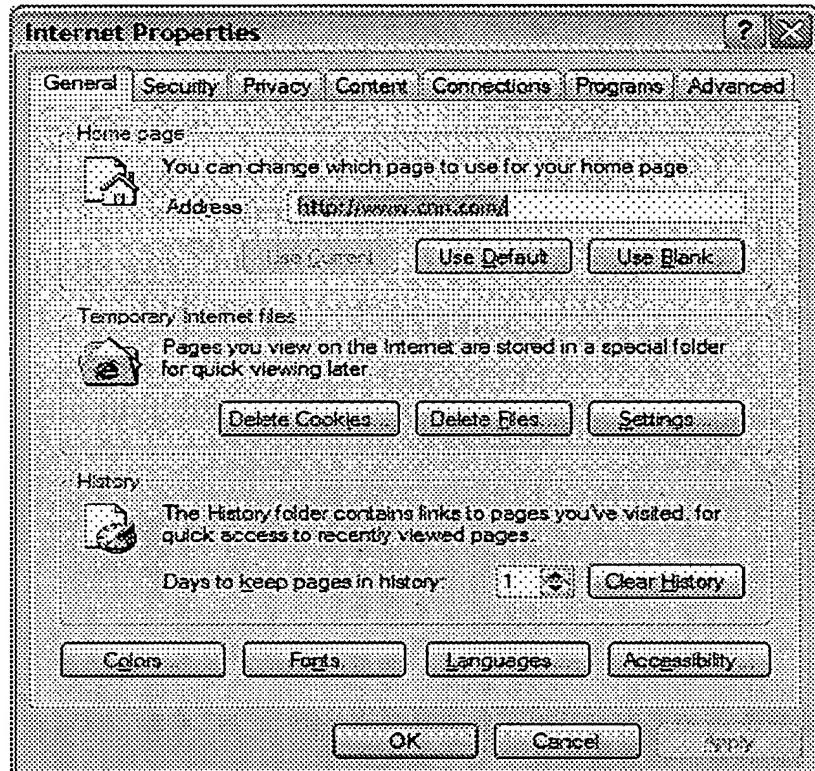
Regarding claims 12 and 23, the Admission and Internet Explorer, in combination, teach all of the claimed subject matter as discussed above with respect to claims 1 and 14, the Internet Explorer will replace the displayed document by a modified document corresponding to the specified color or font as discussed in claims 1 and 14. In different words, this technique performs the step of *creating an intermediate modified document.*

Regarding claim 13, the Admission and Internet Explorer, in combination, teach all of the claimed subject matter as discussed above with respect to claim 12, the Internet Explorer will replace the displayed document by a modified document, and *display* the modified document as *the intermediate modified document.*
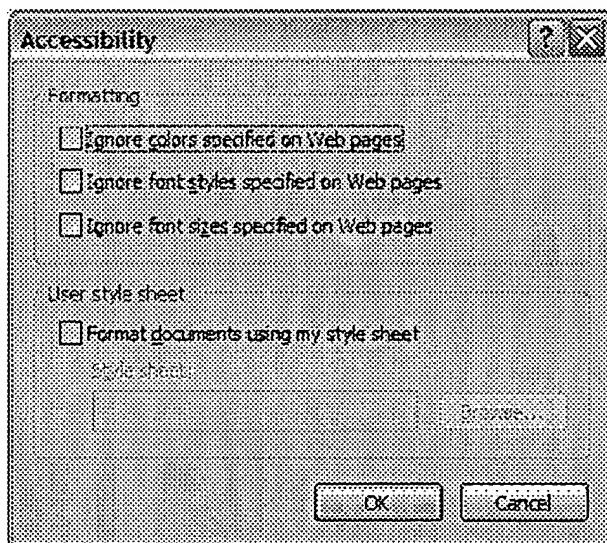
**Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over a conventional computer system in view of Internet Explorer version 5 (a public use browser released 1998).**

Regarding claim 24, a conventional computer with Window 98 system as *a document viewing system* has Internet Explorer 5 as *a document viewer.*
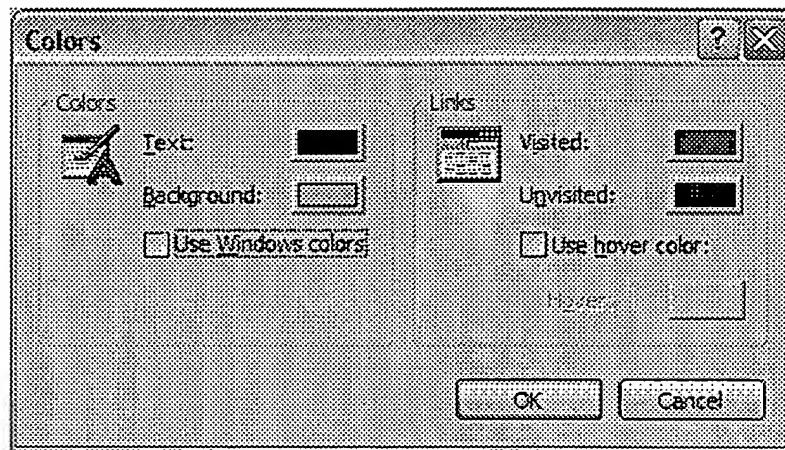
The screen shots II-IV below indicates *a selectable clarification tool* (Start → Settings
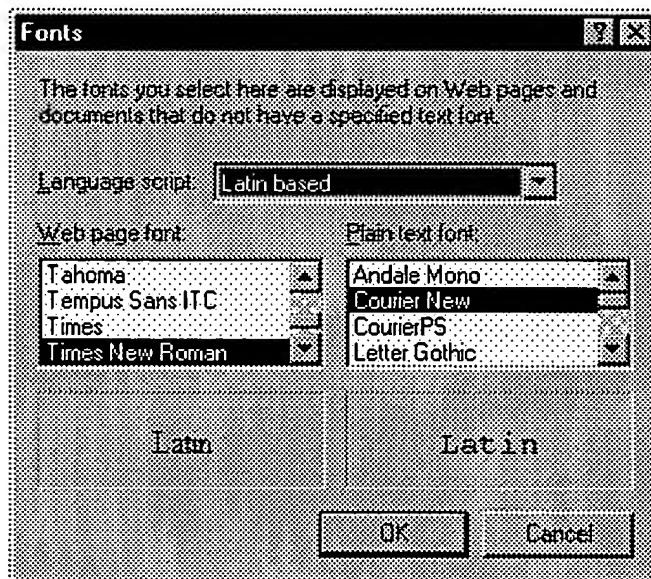
→ Control Panel → Internet Options);



**Screen shot I**



**Screen shot II**

**Screen shot III**

**Screen shot IV**

*a controller, coupled to the document viewer and the selectable clarification tool, wherein the*

*controller retrieves a document* (after the initiation of Internet Explorer, the command Ctrl+O,

coupled to the browser and Internet Options, is a controller that retrieves a Web page

corresponding to a specified address in the address box);

Screen Shot II-IV above as *selectable clarification tool, wherein the clarification tool,*

*when selected, causes the controller to modify attributes of the document to form a modified document*

(by selecting three boxes in Accessibility to ignore the pre-defined attributes of the Web

page, e.g., background color, font style, font size, user preference of background color,

font style, font color of the Web page are user-defined as in screen shot III and IV. After

user-defining the Web page attributes, it will cause the command Ctrl+O modifying the

pre-defined attributes to the user-defined attributes to form a modified document),

*wherein display of text in the modified document is enhanced relative to the document* (e.g., a

document with predefined background and text color that make the text blend into the

background will be enhanced relative to the retrieved document by specifying a user

preference of particular background and text color)*; and wherein*

*the document viewer causes the controller to display the modified document* (IE5 causes the

Ctrl+O command to display the modified Web page).

It would have been obvious for one of ordinary skill in the art at the time the

invention was made to combine a conventional computer system with IE 5.0 in order to

retrieve a document from the Internet and enhance the view of the document

corresponding to user preferences.


*(11)    Response to Argument*

•      **Response to appellants' arguments with respect to 35 U.S.C. § 103,**

**alleged Obviousness of claims 1-5, 11-17, 22, 23 and 25.**

As argued by appellants at pages 11 and 12:

(a)    *Neither the allegedly admitted prior art nor IE 5.0 teaches or suggests modifying an attribute of a component of a document to clarify display of the document based on a set of user preferences to form a clarified document in response to activation of a clarification control as recited in claim 1.*

(b)    *A screen shot of the user interface in IE5 for setting text and background colors is as follows:*

...

*However, these setting apply only to documents for which a background color, text color, and font attributes are not explicitly set in the document. Furthermore, this setting is always applied to documents that do not set the text and background colors, rather than applying the user preferences responsive to activation of a clarification control.*

(c)    *Since claims 2-5, 11-13, 15-17, 22 and 23 depend from claims 1 and 14, the same distinctions between Appellants' allegedly admitted prior art and IE5 and the invention recited in claims 1 and 14 apply for these claims.*
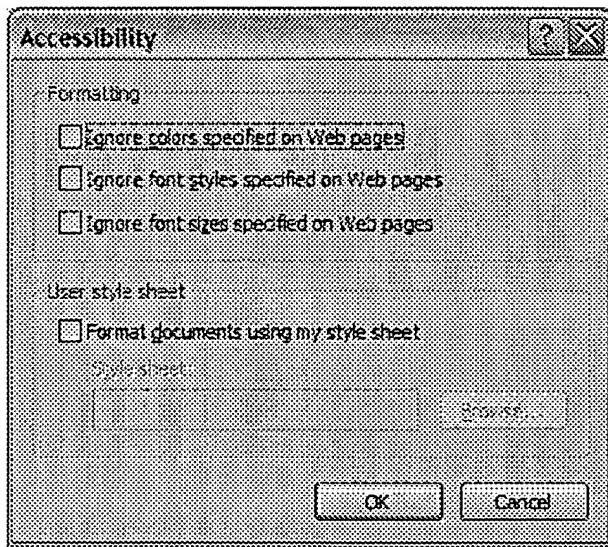
Examiner respectfully disagrees.

(a)    In response to appellants' arguments that *neither the allegedly admitted prior art nor IE 5.0 teaches or suggests modifying an attribute of a component of a document to clarify display of the document based on a set of user preferences to form a clarified document in response to activation of a clarification control as recited in claim 1.* Examiner respectfully refers appellants to the Description of Related Art, page 1, Lines 17-21, and page 2, Lines 6-12, wherein text or background color of a web page as *a document component* having *attributes*, e.g., font color, font size, color of background.
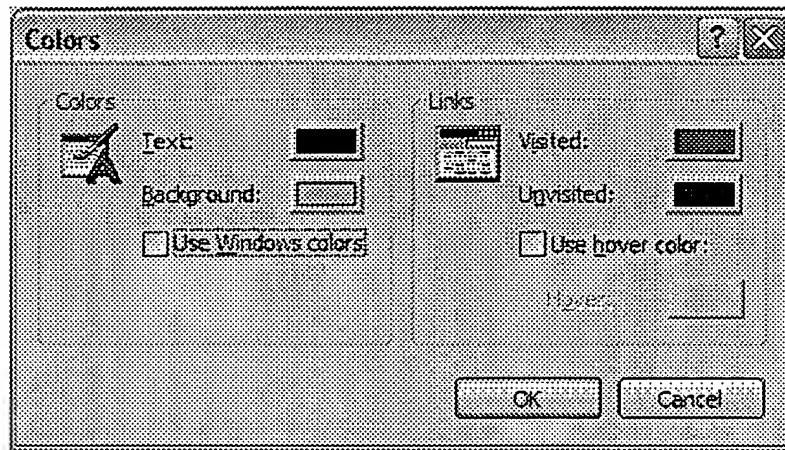
In order to customize a view of a document, Internet Explorer allows a user to define preferences for attributes of a retrieved Web page by selecting "Tools" →  "Internet Options", and selecting "Accessibility", "Colors" and "Fonts" as indicated below:
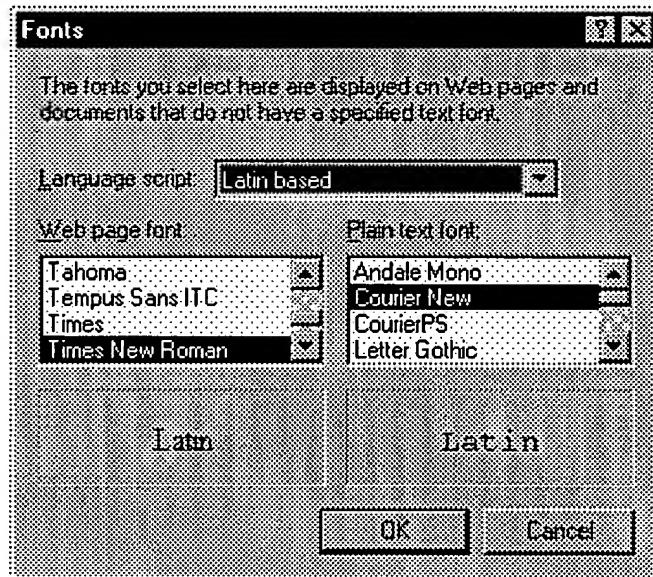
**Screen shot I**



**Screen shot II**

**Colors**

| Colors | | | Links | | |
|---|---|---|---|---|---|
| | Text: | ■ | | Visited: | ■ |
| | Background: | ☐ | | Unvisited: | ■ |
| | ☐ Use Windows colors | | | ☐ Use hover color: | |
| | | | | | ☐ |

OK    Cancel

**Screen shot III**

**Fonts**

The fonts you select here are displayed on Web pages and documents that do not have a specified text font.

Language script: Latin based ▼

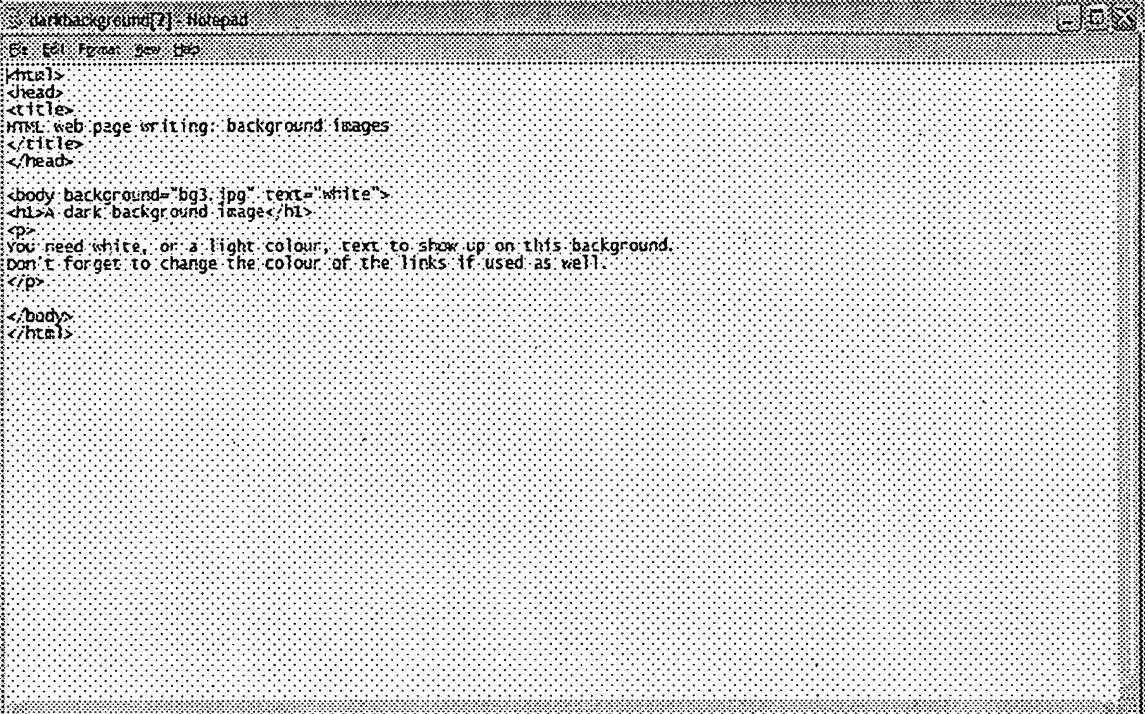| Web page font | | Plain text font | |
|---|---|---|---|
| Tahoma | ▲ | Andale Mono | ▲ |
| Tempus Sans ITC | | Courier New | |
| Times | | CourierPS | |
| Times New Roman | ▼ | Letter Gothic | ▼ |

Latin        Latin

OK    Cancel

**Screen shot IV**

By selecting "ignore colors specified on Web page" the back ground color will be removed. By selecting "ignore font styles specified on Web page" and "ignore font sizes specified on Web page", a user can *modify an attribute of a component of document*, e.g., the retrieved Web page font styles and font color, *based on a set of user preferences*, e.g., user preferences of font color, background color, font styles as in screen shot III and IV. The purpose of the interfaces is *to clarify display of the document*, e.g., if the retrieved document

with background and text color that make the text blend into the background, the

document's attributes could be modified based on user preferences. *In response to activation*

*of a clarification control*, e.g., by selecting "OK" box, background color, font style and font

color of the retrieved Web page are changed to the specified background color, font

style and font color of user preferences. The purpose is *to form a clarified document*, e.g.,

white back ground, black Times New Roman font.


       (b)     In response to appellants' arguments that IE5 *setting apply only to documents for*

*which a background color, text color, and font attributes are not explicitly set in the document.* Examiner

respectfully refers appellants to Screen shot II. Screen shot II indicates color, font styles

and font sizes that are specified on Web page as *explicitly set in the document* will be ignored

in order to modify as user preferences. Additionally, as in Description of Related Art,

page 1, Line 25- page 2, Line 1 and page 2, Lines 6-9, document attributes, e.g., color

and background image, are specified by predefined tag. Examiner also respectfully

refers appellants to the Website address

http://www.inst.co.uk/html/images/darkbackground.html, wherein the Web page

attributes, e.g., background image, font color, are *explicitly set* as the screen shot below (in

IE5, selecting "view" → "source" to obtain the source code of the Web page. As shown

in the HTML document, body background= "bg3.jpg" and text = "white" are explicitly

set), and these attributes could be modified according to user preferences using screen

shot II-IV above.

**Screen shot V**

(c)     In response to appellants' arguments with respect to the dependent claims

2-5, 11-13, 15-17, 22 and 23. These claims are unpatentable as set forth in the Office

Action.


●     **Response to appellants' arguments with respect to 35 U.S.C. § 103,**

**alleged Obviousness of claims 3 and 15.**

As argued by appellants at page 12:

*... the Final Office Action does not address the feature other than to conclude that it is disclosed by IE5.*
*The final Office Action shows the user interface for selecting preferences for text and background colors*
*and link colors when those attributes are not specified in a document. However, the Final Office Action*
*proffers no evidence that modifying the attribute to clarify the document including removing a background*
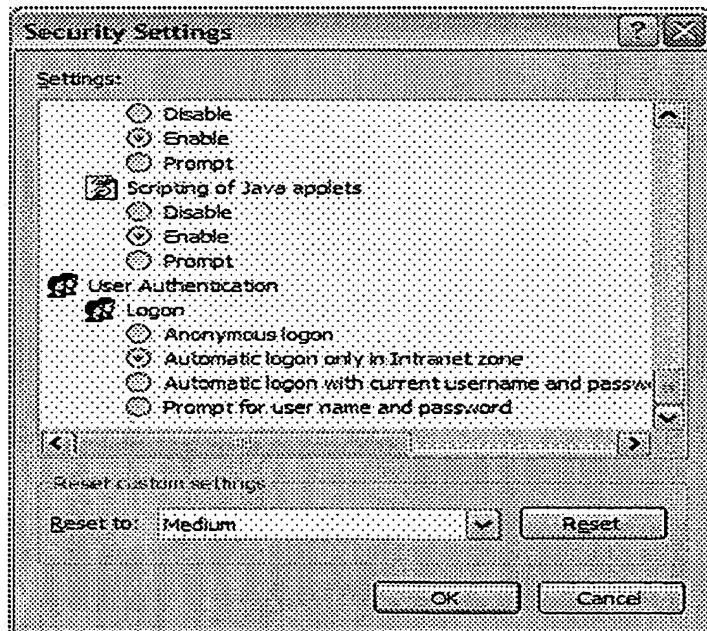*image would have been obvious to a person of ordinary skill in the art.*

Examiner respectfully disagrees. As illustrated at screen shot II, by selecting box

"ignore color specified on Web pages", *the background image from the document* is *removed*.


- **Response to appellants' arguments with respect to 35 U.S.C. § 103,**

**alleged Obviousness of claims 11 and 22.**

As argued by appellants at page 13:

> *... there is no teaching of modifying an attribute of a component of a document to form a clarified*
> *document in response to the user authentication.*


Examiner respectfully disagrees. As shown in the screen shot below is the

setting to authenticate a user by selecting button "Prompt for user name and password".

After the user is authenticated by his/her user name and password, the authenticated

user can modify the retrieved Web page attributes using the interfaces as shown in

screen shot II-IV.

- ## Response to appellants' arguments with respect to 35 U.S.C. § 103, alleged Obviousness of claim 24.

As argued by appellants at page 13:

*With respect to claim 24, the Office Action argues that the Tools menu of IE5 is a selectable clarification tool that causes the controller to modify attributes of the document to form a modified document when selected. Applicants respectfully disagree. Selection of the Tools → Internet Options → Accessibility activates a configuration dialog that allows a user to change preferences. However, the settings are always applied to documents at the time the documents are displayed. In other words, when a document is retrieved for display, the current settings, whatever they may be, are applied to the retrieved document. Application of preferences or settings is not selectable in IE5. Therefore, a conventional computer system and IE5, taken alone or in combination, fail to teach or suggest each and every limitation of claim 24.*

Examiner respectfully disagrees. A combination of a conventional computer and Internet Explorer 5, taken as a whole, can use to specify the settings before the time the documents are displayed by using Start → Settings → Control Panel → Internet Options → Accessibility, and user preferences of background color, font style, font color of the Web page are user-defined as in screen shot III and IV. After user-defining the Web page attributes, IE5 then uses to retrieve a document using command Ctrl+O, and it will cause the command Ctrl+O modifying the pre-defined attributes to the user-defined attributes to form a modified document.

Examiner respectfully refers appellants to the Website address http://www.inst.co.uk/html/images/darkbackground.html, wherein the Web page attributes, e.g., background image, font color, are predefined as in the screen shot V. After ignoring Web page specified attributes as in screen shot II, appellants can reset

the Web page attributes as in screen shot III and IV, then initiating IE5, entering the

address into the Ctrl+O box, the retrieved Web page is a modified Web page with font

color, font style and background color corresponding to the reset attributes. Thus, a

conventional computer and IE5, in combination, teach every limitation of claim 24.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

HUNG Q PHAM
Examiner
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June 30, 2005

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